THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23104 of 2006

Dated: 22-11-2006

Between:

Simgansetty Veeramma.

..... PETITIONER

AND

The District Collector, Kadapa District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23104 of 2006

ORDER:

The petitioner purchased plot No.240 admeasuring about 0.08 cents in survey No.919/1 situated at Chinna Chowk Village in Kadapa Mandal and District from one Manneru Gopala Krishna Murthy under a registered sale deed dated 02-02-1981. The plot was executed in favour of said Gopala Krishna Murthy by respondent No.3, which was initially allotted to respondent No.3 by respondent No.1. In 1994, respondent No.1 initiated proposals to resume the land in survey Nos.1043 and 1044 of said Village. The same was assailed in a batch of writ petitions before this Court. This Court disposed of the said batch of writ petitions, being W.P.Nos.20096 of 1995 and batch, by a common order dated 25-07-2001. The petitioner was not a party to those proceedings. Be that as it is when the petitioners are taking steps to construct a house and started removing the bush growth, the office bearers of respondent No.3 informed the petitioner that the land was resumed by the Government. The petitioner then approached respondent No.2 for necessary clarification by making a representation. Respondent No.2 then endorsed on the representation on 24-03-2006 to the effect that the land in survey No.919/1 was not resumed by the Government and that the orders passed by the High Court in the said batch of writ petitions are not applicable to the petitioner. In spite of the same, the office bearers and officials of respondent No.3 allegedly stopped the activity taken by the petitioner under the guise of alleged resumption order informing that the land is entered in POB (Prohibitory Order Book). Therefore, the petitioner filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to interfere with the petitioner's possession as illegal and arbitrary.

At the stage of admission itself the learned Assistant Government Pleader for Revenue (General-A) obtained instructions. He submits that though resumption orders were passed earlier, no such order was passed in relation to the land in survey No.919/1 much less plot No.240 which was purchased by the petitioner. There is force in the submission made by the learned Government Pleader. He also submits that respondents

1 and 2 did not interfere with the possession of the petitioner. Further in paras 5 and 6 of the affidavit accompanying the writ petition, the petitioner also admits that whenever he started clearing the bush growth on his plot for the purpose of construction of house, the office bearers of respondent No.3 informed him about the resumption and stopped the activity. If there is any unwarranted interference with the possession by

respondent No.3, the petitioner's remedy is to approach the Civil Court and file a suit for injunction. The submission of the Assistant Government Pleader that respondents 1 and 2 did not pass any orders of resumption and did not interfere with the possession of the petitioner is recorded.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

22nd November, 2006
ghn